National Academy of Arbitrators

2019 Annual Meeting
May 29 - June 1, 2019
Philadelphia, PA

Wrestling with Change: The Future of Work and Workplace Dispute Resolution

Loews Philadelphia Hotel
1200 Market Street
Philadelphia, PA

On-Site
Tuesday, May 28, 2019
1:00 p.m. – 5:00 p.m. .................................................... NAA Registration Desk
Adams Foyer (Third Floor)

1:30 p.m. – 5:00 p.m. ................................................... Board of Governors
Regency A (Second Floor Mezzanine)

1:30 p.m. – 5:00 p.m. .............................................. Membership Committee
Regency C2 (Second Floor Mezzanine)

Wednesday, May 29, 2019
8:00 a.m. – 5:00 p.m. .................................................... NAA Registration Desk
Adams Foyer (Third Floor)

7:30 a.m. – 12:00 p.m. .............................................. New Member Orientation
Commonwealth D (Second Floor)

1:30 a.m. – 4:30 p.m. ........................................ Wage and Hour Dispute Program
(Separate Fee) Commonwealth C (Second Floor)

8:30 a.m. – 5:00 p.m. .......................................... Board of Governors
Regency A (Second Floor Mezzanine)

8:30 a.m. – 5:00 p.m. ........................................ Membership Committee
Regency C2 (Second Floor Mezzanine)

10:00 a.m. – 5:00 p.m. ............................................ CPRG
Regency C1 (Second Floor Mezzanine)

12:00 p.m. – 1:15 p.m. .......................................... New Member Luncheon
(Invitation Only) Congress (Fourth Floor)

6:30 p.m. – 7:30 p.m. ............................................. Wine & Cheese Reception
Millennium Hall (Second Floor)

Thursday, May 30, 2019
8:00 a.m. – 5:00 p.m. .................................................... NAA Registration Desk
Adams Foyer (Third Floor)

8:30 a.m. – 9:00 a.m. .............................. Welcome and Introductory Remarks
Regency AB (Second Floor Mezzanine)
Edward B. Krinsky, NAA President
Madison, WI
William McKee, NAA Program Committee Co-Chair
Denton, TX
Ralph Colflesh, NAA Host Committee Chair
Philadelphia, PA
Thursday, May 30, 2019 (Continued)

9:00 a.m. – 10:00 a.m. ................................................................. Plenary
Regency AB (Second Floor Mezzanine)

THE FUTURE OF WORK AND WORKPLACE ADR

What lies ahead in the workplace? Tom Kochan reports on current efforts by MIT researchers and other groups around the world that are studying the influence of advancing technologies on the future of work. From this vantage point he will examine implications for labor-management relations and dispute resolution. Emphasis will be given to how proactive efforts of business, labor, educators, governments, and third-party neutrals can contribute to using technology to create better work and a more broadly-shared prosperity.

Moderator:
William McKee, NAA
Denton, TX

Panelist:
Thomas A. Kochan, NAA
George M. Bunker Professor
Sloan School of Management, MIT
Boston, MA

10:10 a.m. – 11:10 a.m. ................................................................. Plenary
Regency AB (Second Floor Mezzanine)

LIVING WAGE LAWS AND THEIR IMPACT ON LABOR RELATIONS AND COLLECTIVE BARGAINING

Living wage laws create minimum wage rates for covered localities or facilities. UNITE HERE represents employees in the airline catering industry, including a national bargaining unit of employees of LSG Sky Chefs whose 55 flight kitchens and on-airport operations are subject to a wide-variety of living wage laws. David Vaughn, the national umpire for Sky Chefs and UNITE HERE, will describe the development and status of living wage legislation and analyze the impact of such laws on labor relations and collective bargaining. Lead representatives of Sky Chefs and UNITE HERE will assess the ongoing impacts of such laws and the responses of the parties to deal with them.

Moderator:
M. David Vaughn, NAA
Clarksville, MD

Panelists:
Chuck Hendricks
Bargaining Director
UNITE HERE Int’l Union
Towson, MD

F. Bruce Murray
Director
Labor and Employee Relations
LSG Sky Chefs
Irving, TX
Thursday, May 30, 2019 (Continued)

11:20 a.m. – 12:20 p.m. .................................................Plenary
Regency AB (Second Floor Mezzanine)

RED LIGHT/GREEN LIGHT: WHAT’S LOVE GOT TO DO WITH IT? #METOO
Leading U.S. and Canadian counsel and arbitrators will weigh in on several scenarios involving personal interactions that take place in the workplace. Can there be any romance or humour in the workplace in the #MeToo era?” Is it possible for a healthy romantic relationship to develop at work? Are any references to race or gender acceptable anymore? This highly interactive red light/green light session will engage the audience in a current and, dare we say it, hot topic.

Moderator:
Paula Knopf, NAA
Toronto, ON

Panelists:
Nini Jones, Partner
Paliare Roland Rosenberg
Rothstein LLP
Toronto, ON

Andrew M. Strongin, NAA
Takoma Park, MD

William K. Kennedy, Partner
Montgomery McCracken
Lake Bluff, IL

Jacalyn Zimmerman, NAA
Walker & Rhoads LLP
Philadelphia, PA

12:20 p.m. – 1:20 p.m. ....................... Distinguished Speaker Luncheon
Millennium Hall (Second Floor)

Introduction:
Edward B. Krinsky, NAA President
Madison, WI

Speaker:
Charles Ramsey
Former Commissioner of the Philadelphia Police Department

1:30 p.m. – 2:30 p.m. ............................. Concurrent Session
Commonwealth B (Second Floor)

EMERGING HEALTHCARE ISSUES IN LABOR ARBITRATION
As employers contemplate further changes to employee contributions and the structure of health plans, unions prepare arguments on such issues as notice requirements, the duty to bargain, and the legal standards of “comparable” and “substantially similar.” Among other topics to be addressed are subcontracting for services and performance-based wage increases in a very competitive healthcare market. Where is all this headed, and how will the differences be resolved?

Panelists:
John Dinome
Assistant General Counsel & Chief Human Resources Officer
American Academic Health Systems
Philadelphia, PA

Lance Geren, Partner
O’Donoghue & O’Donoghue
Philadelphia, PA
Thursday, May 30, 2019 (Continued)

1:30 p.m. – 2:30 p.m. .......................................................... Concurrent Session
Regency AB (Second Floor Mezzanine)

JANUS ONE YEAR LATER: THE PENNSYLVANIA STORY
IN A NATIONAL CONTEXT
On its issuance in June 2018 many anticipated that the Janus ruling would have
major impacts on public sector labor relations. Have those expectations become reality, and how typical or atypical is Pennsylvania compared to other
states? What does the future hold with Janus?

Moderator:
Scott E. Buchheit, NAA
Haddonfield, NJ

Panelists:
- Michael J. Hanlon, Member
  Cozen O’Connor
  Philadelphia, PA
- Michael L. Levin
  Levin Legal Group, P.C.
  Huntingdon Valley, PA
- Charles J. Herring, Staff Attorney
  PA State Education Association
  Montgomeryville, PA
- Alaine S. Williams, Partner
  Willig Williams & Davidson
  Philadelphia, PA

2:45 p.m. – 3:45 p.m. .......................................................... Concurrent Session
Commonwealth B (Second Floor)

CANADIAN AND U.S. SESSION: LABOUR DISPUTES UNDER
U.S. AND CANADIAN TRADE AGREEMENTS
(USMCA AND OTHERS)
Two lead US and Canadian negotiators of the labour provisions in US and Ca-
nadian trade agreements will examine the agreements and discuss their dispute resolution mechanisms.

Moderator:
Christopher J. Albertyn, NAA
Toronto, ON

Panelists:
- Pierre Bouchard, Director
  Bilateral and Regional Labour Affairs
  Social Development
  Ottawa, ON
- Carlos Romero, Deputy Assistant
  U.S. Trade Representative for
  Labor in the Office of the
  Trade Representative
  Washington, DC
Thursday, May 30, 2019 (Continued)

2:45 p.m. – 3:45 p.m. .................................................... Concurrent Session

Regency AB (Second Floor Mezzanine)

U.S. DESIGNATING AGENCIES UPDATE

Moderator:
Joshua Javits, NAA
Washington, DC

Panelists:
Christine Newhall
Senior Vice President of the Labor/Employment Elections Division AAA
Boston, MA
Roland Watkins
Director, Arbitration Services NMB Washington, DC
Arthur Pearlstein
Director, Arbitration Service FMCS Washington, DC

4:00 p.m. – 6:00 p.m. ....................................................... Social Gathering

Washington (Third Floor)

All are welcome to attend. During the gathering you will have a chance to:

- Meet the panelists up close and informally of Labour Disputes under the USMCA – Continuing the Conversation with Pierre Bouchard and Carlos Romero.
- Preview REF Auction Items.
- Meet with friends and enjoy a drink from the bar.

4:00 p.m. – 5:00 p.m. .............................. Ad Hoc Committee on Internal Grievances Meeting

Mezzanine C (First Floor Mezzanine)

4:00 p.m. – 5:00 p.m. .............................. Regional Chairs Meeting

Anthony Room (Third Floor)

4:00 p.m. – 5:00 p.m. .............................. Supplement to “50 Years in the World of Work” Committee Meeting

Jefferson Boardroom (Third Floor)

5:00 p.m. – 6:00 p.m. ......................... 2019 FEC Program Committee Meeting

Mezzanine A (First Floor Mezzanine)
Friday, May 31, 2019

8:00 a.m. – 5:00 p.m. .................................................. NAA Registration Desk
Adams Foyer (Third Floor)

9:00 a.m. – 10:15 a.m. .......................................................... Plenary
Regency AB (Second Floor Mezzanine)

THE FUTURE OF WORK: UNION AND MANAGEMENT
PERSPECTIVES
A distinguished panel will comment on advancing technologies and their impact on future labor relations and arbitration.

Moderator:
Margaret R. Brogan, NAA
Philadelphia, PA

Panelists:
William R. Kerr
Professor of Business Administration
Co-Director of Managing the Future of Work Project at Harvard Business School
Boston, MA

Wilma Liebman
Former Chairman and Member National Labor Relations Board
Washington, DC

George M. Bunker Professor
Sloan School of Management, MIT
Boston, MA

Panelists:
Liz Shuler
Executive Secretary-Treasurer AFL-CIO
Washington, DC

10:30 a.m. – 11:45 a.m. .......................................................... Plenary
Regency AB (Second Floor Mezzanine)

THE SCIENCE OF SETTLEMENT
What can you do when parties ask your help in negotiating a settlement? An all-star panel will offer engaging thoughts, wit, and lasting lessons on the subject that was captured in Barry Goldman’s book, The Science of Settlement. To round out the discussion, Canadian members who have substantial experience in a mediating role will provide comments and insights about such service.

Panelists:
Christopher J. Albertyn, NAA
Toronto, ON

Barry Goldman, NAA
Bloomfield, MI

Jules Bloch, NAA
Toronto, ON

12:00 p.m. – 1:15 p.m. .................................................. Presidential Luncheon
Millennium Hall (Second Floor)

Introduction:
George R. Fleischli, NAA
Madison, WI

Speaker:
Edward B. Krinsky, NAA President
Madison, WI
Friday, May 31, 2019 (Continued)

1:30 p.m. – 2:45 p.m. ........................................ Concurrent Session
Regency C2 (Second Floor Mezzanine)

FEDERAL SECTOR DISPUTE RESOLUTION:
THE CURRENT SITUATION AND WHAT WE
CAN EXPECT GOING FORWARD

The past year has seen historic shifts in the labor-management relationship in
the federal sector, including the ways in which issues are addressed in the
grievance and bargaining processes and before arbitrators and administrative
agencies. This session will examine some of the more significant substantive
and process changes resulting from the Executive Orders and legislative chang-
es, including the centralization of labor relations, and discuss the future of fed-
eral sector collective bargaining and dispute resolution from the agency, union,
and arbitral perspectives.

Moderator:
Ira F. Jaffe, NAA
Potomac, MD

Panelists:
Constance Chang-Gillespie, Esq
National Counsel
National Treasury Employees Union
Washington, DC

Mark Maxin, Esq.
Assistant General Counsel for Administration
Nuclear Regulatory Commission
North Bethesda, MD

1:30 p.m. – 2:45 p.m. ........................................ Concurrent Session
Regency C1 (Second Floor Mezzanine)

POSTAL ARBITRATION: THE FUTURE OF THE POSTAL
SERVICE – SHOULD THE POST OFFICE ACT MORE LIKE A
PRIVATE BUSINESS?

In December 2018 the Treasury Department released a proposal for overhauling
the US Postal Service which, without calling for full privatization, concluded
that the Post Office should act more like a private business – such as having
the “authority to charge market-based prices for both mail and package items”.
How should the parties continue forward?

Moderator:
Sherrie Rose Talmadge, NAA
Boston, MA

Panelists:
Rick Acker, Manager
Field Labor Relations Headquarters
USPS
Powell, OH

David L. Heather
Director of Labor Relations
NRLCA
Alexandria, VA

Lucien Drass, Vice President
NALC
Washington, DC
Friday, May 31, 2019 (Continued)

1:30 p.m. – 2:45 p.m. .............................................................. Concurrent Session
               Regency AB (Second Floor Mezzanine)

AIRLINE INDUSTRY ISSUES
Major airline flight crew contract negotiations for the “Big 4” airlines (American, United, Delta, and Southwest) are beginning. Pilots, flight attendants, mechanics and fleet and customer service employees have high expectations and seem intent on recapturing losses endured from bankruptcy filings following 9/11. Airlines are making money but are also facing competition from foreign airlines. Will Emergency Boards, interest arbitration, med-arb be used? What is the role of neutrals in this bargaining round? What is the impact of information technology on bargaining? Has IT changed the parties’ approach to bargaining?

Moderator:
Joshua Javits, NAA
Washington, DC

Panelists:
Lori Bassani, President
APFA
Washington, DC

Betty Ginsburg, Director
Representation ALPA
Washington, DC

Kyle Fortson, Chair
NMB
Washington, DC

Lindsey Goldstein
Director and Senior Labor Attorney
American Airlines
Dallas, TX

3:00 p.m. – 4:15 p.m. .............................................................. Poster Sessions

THE CURRENT FLRA: ANY SURPRISES HERE?
Commonwealth B (Second Floor)
A comparison of the Trump, Obama, and Bush FLRA decisions in cases where agencies have filed exceptions to arbitration awards that sustain grievances. Is the current FLRA changing long-standing precedent?

Moderator: Beber Helburn, NAA, Austin, TX

GOING DEEP: INVESTIGATIVE TOOLS FOR TODAY AND TOMORROW
Commonwealth C (Second Floor)
Innovative technologies have dramatically increased and are rapidly being used to detect fraud and deception. How can advocates and arbitrators use and evaluate these new technologies to reach “the truth”? How reliable are these new techniques?

Moderator: Scott M. Catron, Co-CEO/Co-Owner, Social Detection, Inc.,
King of Prussia, PA

Sessions Continued on next page...
Friday, May 31, 2019 (Continued)

3:00 p.m. – 4:15 p.m. ........................................ Poster Sessions (Continued)

LABOR ARBITRATORS ON EMPLOYMENT ARBITRATION
Commonwealth D (Second Floor)
Non-union employment arbitration is a firmly established yet provocative and relatively new institution. This session explores labor arbitrator experiences with and perceptions of non-union employment arbitration. Specifically, data from a contemporary survey of the National Academy of Arbitrators is presented to describe employment arbitration caseloads, fees, and general perceptions of the propriety of this new institution.

Moderator:  Prof. Mark Gough, Assistant Professor of Labor and Employment Relations, Pennsylvania State University, State College, PA

4:30 p.m. – 5:30 p.m. 2020 Annual Program Committee Meeting
Mezzanine C (First Floor Mezzanine)

4:30 p.m. – 5:30 p.m. Arbitrationinfo.com Committee Meeting
Mezzanine A (First Floor Mezzanine)

4:30 p.m. – 5:30 p.m. Outreach Committee Meeting
Anthony (Third Floor)

4:30 p.m. – 5:30 p.m. Research and Education Foundation Meeting
Jefferson Boardroom (Third Floor)

6:30 p.m. – 7:30 p.m. Reception
Millennium Foyer (Second Floor)

7:30 p.m. Dinner
Millennium Hall (Second Floor)

Saturday, June 1, 2019

8:00 a.m. – 12:00 p.m. NAA Registration Desk
Adams Foyer (Third Floor)
Saturday, June 1, 2019 (Continued)

9:00 a.m. – 10:15 a.m. ................................................. Plenary Session
Regency AB (Second Floor Mezzanine)

REPORTING ON ARBITRATION AND THE FUTURE OF WORK BY JOURNALISTS

Our experience with ArbitrationInfo.com, a website dedicated to providing information to journalists about arbitration and other ADR processes, highlights the difficulties faced by journalists in reporting about work and the law of the workplace. The struggle is particularly true in an era where change occurs at incredible speed. This session will advance the understanding of challenges faced in reporting ADR processes and how journalists will keep up with and report on the future nature of work and work relationships.

Moderator:
Robert Gary Bailey, NAA
Columbia, MO

Panelists:
Juliana Feliciano Reyes
Reporter for Philadelphia Inquirer and Daily News
Philadelphia, PA
Daxton “Chip” Stewart
Professor of Journalism
Bob Schieffer College of Communications
Texas Christian University
Fort Worth, TX

10:30 a.m. – 11:45 a.m. ............................................. Fireside Chat
Commonwealth CD (Second Floor)

Interviewee:
George R. Fleischli, NAA
Madison, WI

Interviewer:
Daniel J. Nielsen, NAA
Lake Bluff, IL

12:00 p.m. – 1:00 p.m. ........................................... Lunch on Your Own

1:00 p.m. – 1:30 p.m. .............................................. Member Recognitions
Regency AB (Second Floor Mezzanine)

Honorary Life Members, New Members and 25 & 40 Year Members

1:30 p.m. – 2:30 p.m. .......................................... NAA Annual Business Meeting
(Members Only) Regency AB (Second Floor Mezzanine)

3:00 p.m. ....................................................... Board of Governors Meeting
Regency C1 (Second Floor Mezzanine)
The following members were admitted to the National Academy of Arbitrators in 1994 & 1979 and will be recognized on Saturday at the Annual Business Meeting:

**25 Year Members**
- John B. Dorsey
- Robert L. Douglas
- William P. Hobgood
- Fredric R. Horowitz
- Susan R. Meredith
- Peter R. Meyers
- Kathleen Miller
- William J. Miller, Jr.
- Dennis E. Minni
- John M. Moreau
- Elliot Newman
- William W. Petrie
- Stephen J. Rosen
- Franklin Silver
- Barry Winograd

**40 Year Members**
- Edward P. Archer
- James R. Beilstein
- C. Chester Brisco
- Thomas F. Carey
- Hyman Cohen
- Donald P. Crane
- Irwin J. Dean, Jr.
- George E. Marshall, Jr.
- David P. Twomey

The following member has been chosen to receive Honorary Life Status and will be recognized on Saturday at the Annual Business Meeting:

**Honorary Life Member**
- Barbara Zausner

The following have been admitted into Membership and will be recognized on Saturday at the Annual Business Meeting.

**New Members**
- Richard Bales
- Lisa C. Charles
- Keith D. Greenberg
- Doyle O’Connor
- Augustus Richardson
### 2019 COMMITTEE ON PROGRAM
**ANNUAL MEETING**

William McKee, *Co-Chair*
Maretta Comfort Toedt, *Co-Chair*

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### 2019 HOST COMMITTEE
**ANNUAL MEETING**

Ralph H. Colflesh, *Chair*

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Walt De Treux, *Ex Officio*
Plan to Attend

2019 Fall Education Conference
September 20 - 22, 2019
Savannah Marriott Riverfront
Savannah, GA

2020 Annual Meeting
May 6 - 9, 2020
Grand Hyatt Denver
Denver CO

2021 Annual Meeting
April 21 - 24, 2021
Marina del Rey Marriott
Marina del Rey, CA